

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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ERIC FLORES,

Plaintiff,

v.

UNITED STATES ATTORNEY GENERAL,  
et al.,

Defendants.

Case No. 3:15-cv-00523-MMD-WGC

ORDER ACCEPTING AND ADOPTING  
REPORT AND RECOMMENDATION  
OF MAGISTRATE JUDGE  
WILLIAM G. COBB

Before the Court is the Report and Recommendation of United States Magistrate Judge William G. Cobb (ECF No. 4) ("R&R") relating to plaintiff's application to proceed *in forma pauperis* (dkt. no. 1) and *pro se* initiating documents title by Plaintiff as "Judicial Notice of Leave of Courts Previous Order of any Fileing [sic] Restriction Against the Petitioner to File Petition That is Seeking Relief from Imminent Danger Such as Death in the Pulic Interest of Health and Safety." (ECF No. 1-1.) Plaintiff had until March 25, 2016, to file an objection. To date, no objection to the R&R has been filed.<sup>1</sup>

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails

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<sup>1</sup>The R&R (ECF No. 4) that was mailed to Plaintiff was returned as undeliverable. (ECF No. 5.)

1 to object, however, the court is not required to conduct “any review at all . . . of any issue  
2 that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985).  
3 Indeed, the Ninth Circuit has recognized that a district court is not required to review a  
4 magistrate judge’s report and recommendation where no objections have been filed. See  
5 *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard  
6 of review employed by the district court when reviewing a report and recommendation to  
7 which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,  
8 1226 (D. Ariz. 2003) (reading the Ninth Circuit’s decision in *Reyna-Tapia* as adopting the  
9 view that district courts are not required to review “any issue that is not the subject of an  
10 objection.”). Thus, if there is no objection to a magistrate judge’s recommendation, then  
11 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.  
12 Supp. 2d at 1226 (accepting, without review, a magistrate judge’s recommendation to  
13 which no objection was filed).

14 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to  
15 determine whether to adopt Magistrate Judge Cobb’s R&R. Upon reviewing the R&R  
16 and Plaintiff’s filings, this Court finds good cause to accept and adopt the Magistrate  
17 Judge’s R&R in full.

18 It is therefore ordered, adjudged and decreed that the Report and  
19 Recommendation of Magistrate Judge William G. Cobb (ECF No. 4) is accepted and  
20 adopted in its entirety.

21 It is further ordered that plaintiff’s application to proceed *in form pauperis* (ECF  
22 No. 1) is granted.

23 It is further ordered that the Clerk detach and file Plaintiff’s initiating document  
24 (ECF No. 1-1).

25 It is further ordered that this action is dismissed with prejudice.

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1 The Clerk is directed to close this case.

2 DATED THIS 9<sup>th</sup> day of May 2016.

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5 MIRANDA M. DU  
6 UNITED STATES DISTRICT JUDGE  
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